

April 6, 2007

Joyce Lacerda, Cooperative Programs Specialist
National Marine Fisheries
National Oceanic & Atmospheric Administration
One Blackburn Drive
Gloucester, MA 01930

Dear Ms. Lacerda:

Enclosed please find the fifth semi-annual status report for the NH Instream Flow Pilot Program for the Lamprey and Souhegan Rivers, Assistance Agreement No. NA04NMF4540382 for the project period 10/1/06 through 3/31/07. In accordance with NOAA Administrative Standard Award Conditions Attachment B, Section B, as a condition of the acceptance of Department of Commerce funds, Performance/ Progress Reports are to be submitted.

Sincerely,

C. Wayne Ives, P.G., Hydrogeologist
Watershed Management Bureau

Attachment

SEMIANNUAL PROGRESS REPORT 10/01/06 through 03/31/07

A. Grant Number: NA04NMF4540382
B. Amount of Grant: Federal - \$545,000; Match - \$0; Total - \$545,000
C. Project Title: New Hampshire Instream Flow Pilot Program for the
Lamprey and Souhegan Rivers
D. Grantee: New Hampshire Department of Environmental Services
29 Hazen Drive, PO Box 95
Concord, NH 03302-0095
FEIN – 02-6000-618W
E. Award Period: From 10/1/2004 to 9/30/2007

F. Summary of Progress and Expenditures to Date

1. Work Accomplishments

The work tasks were defined in DES's grant application dated June 8, 2004. The grant application defined the schedule for conducting the work elements as being carried out roughly over the period September 1, 2004 through December 1, 2008. The schedule identified some tasks out 48 months from the beginning of the work effort. During the last reporting period, DES was granted an extension of the grant period to September 30, 2007. DES's deadline for the Lamprey and Souhegan Pilot programs is written in statute, which requires both pilots' studies and water management plans to be completed by October 1, 2007. DES will then implement the provisions of the Water Management Plans during the following year.

The 2004 grant application summarized the work to be completed under the grant as follows: The primary goal is to complete the Instream Flow Pilot Program as described under the Instream Flow Rules (Env-Ws 1900) and the state statutes governing Instream Flow. The Instream Flow Pilot Program includes the Souhegan and Lamprey Designated Rivers. To complete this goal several work elements must be completed. DES will contract out some of the required work elements described under the Instream Flow Rules and retain the remaining elements. Contractual Scope of Work Tasks are being conducted on the Souhegan by the University of New Hampshire (UNH); and on the Lamprey, by Normandeau Associates, Inc. (NAI). The Pilot Program includes the following elements:

1. Convene and administer a Lamprey River Technical Review Committee
2. Convene and administer a Lamprey River Water Management Advisory Committee
3. Prepare a detailed work scope for a contractor to prepare a Protected Instream Flow Study and a Water Management Plan for the Lamprey River Designated Reach
4. Procure a contractor, administer the contract, and review technical work products
5. Conduct committee hearings for feedback on technical and stakeholder decisions
6. Conduct public hearings at project milestones and other stakeholder outreach

7. Adopt protected instream flows, incorporating public comment
8. Identify and include all affected water users and dam owners in the water management plan development
9. Adopt a Lamprey River Water Management Plan, incorporating public comment
10. Administer initial implementation of the Water Management Plan
11. Report annual water use versus stream flow for all Designated Rivers
12. Annual and periodic reports to the NH state legislature

Activities during 10/01/06 through 3/31/07

Annual Water Use versus Stream Flow Report

The Annual Water Use versus Stream Flow Report for 2004 required by the Instream Flow Rules (Env-Ws 1903.02) was completed November 14, 2006. This report evaluates water use on all Designated Rivers. DES staff are developing the 2005 report.

DES staff

NOAA approved the addition of Ellen D'Amico, GIS Specialist, to be covered by this grant in July 2006. Ellen supports the Instream Flow program's GIS needs and is vital in generating information especially for this annual report. However, Ellen left DES January 25, 2007. Her position has not been filled yet.

Marie Loskamp, Executive Secretary, was partially supported by this grant. She left DES in late November 2006. Her position remains open.

On March 13-14 and March 27-28, 2007 Wayne Ives, Instream Flow Specialist, attended a MesoHABSIM training in Hadley MA. Training course segments completed were MesoHABSIM Approach and Application, and MesoHABSIM Computation and Software. A field methods course is offered in June 2007.

Support for the Instream Flow Advisory Committees

Membership changes

John Magee replaced William Ingham as the NH Fish and Game representative to the Lamprey and Souhegan TRCs.

DES requested replacements for legislative members of the Instream Flow Committees when Rep. Cooney and Senator Johnson were not returned to office. Senator Martha Fuller Clark will replace Senator Johnson on the Lamprey and Souhegan TRCs as the representative from the state legislature. There is no replacement to date for Rep. Cooney.

David Cedarholm replaced Robert Levesque on the Lamprey Water Management Planning Area Advisory Committee as the member representing Affected Dam Owners in the watershed.

Roy Konisky was approved by the Rivers Management Advisory Committee March 27, 2007 to be presented to the DES commissioner as the candidate to replace Jay Odell on the Lamprey Water Management Area Advisory Committee.

Committee Reports

The TRC and WMPAAC reports due annually by November 1 were completed and were incorporated into the 2006 pilot program report to the Senate Bill 330 committee. SB 330 is the legislative oversight committee for the Instream Flow Program. DES representatives presented the Pilot Program's progress for the SB 330 committee and answered questions at their meeting October 25, 2006.

Instream Flow Committee meetings

Lamprey WMPAAC met October 20, 2006 to discuss the completion of the Task 4 report, the 2006 field investigation results, the new wetlands task (5B), the Multi-Criteria Decision Analysis (MCDA) method for developing the Water Management Plan, and the results of the water user surveys.

Lamprey TRC met March 7, 2007 to review and comment on the proposed components of the Target Fish Community.

Souhegan TRC met January 3, 2007 to review the latest revisions to the Souhegan Proposed Protected Instream Flow Report (Task 5).

Souhegan WMPAAC did not meet during this period.

Instream Flow Presentations

DES staff gave presentation to various organization to promote Instream Flow issues and the methods be used by DES to protect water quantity. These are the presentations that were given during this reporting period.

October 3 to the Rivers Management Advisory Committee on the Stream Gage Task Force Results

October 13 to the New England Water Works Association on Methods for Assessment of Water Availability

October 27 to the Lakes Management Advisory Committee on the Stream Gage Task Force Results

November 16 to the NH Business and Industry Association/NHDES Water Seminar on the NH Instream Flow Pilot Program Status Report

January 8 to the Souhegan Watershed Association on Souhegan Instream Flow and Water Assessment Methods

NOAA site visit

Chris Biegel represented NOAA at a site visit with DES and NAI March 8, 2007. Key locations on the Lamprey Designated River were visited. Attendees reviewed the project's goals, progress, methods, and interim results.

Instream Flow contract extensions

The contract with UNH to conduct the Souhegan Instream Flow Pilot was extended to October 1, 2007 during this period. The contract with NAI to conduct the Lamprey Instream Flow Pilot was extended to October 1, 2007 during this period.

Souhegan Pilot Program

The February 5, 2007 version of the Souhegan PISF was approved by the Souhegan Technical Review Committee with revisions to go to the Public Hearing NA04NMF4540382 **SEMIANNUAL PROGRESS REPORT** 10/01/06 through 3/31/07

(Task 6) for public review and comment. The next step is to finalize the report with the public's comments and submit it to the Commissioner of DES for his approval. Approval will establish the protected flows identified as water quality standards for the Souhegan Designated River.

UNH completed revisions to the Souhegan Proposed Protected Instream Flow Report (Task 5) on December 5, 2006. This was reviewed by the Souhegan TRC, which met January 3, 2007 and voted to send this version with some changes for public review and comment. The final revisions were completed in the February 5, 2007 report, which completed Task 5. The public hearing (Task 6) was scheduled. Paper copies were placed at DES office in Concord and in three watershed libraries. The public hearing was advertised in three newspapers and on the DES website, as well as by targeted mailings. The report was posted on the Instream Flow website and available free on CDs. The public hearing was held March 21, 2007 at the Milford Town Hall from 6:30 to 9 p.m. The public comment period will be open until April 20, 2007.

Lamprey Pilot Program

NAI submitted the final version of the Task 4 report called Instream Public Uses, Outstanding Characteristics, and Resources of the Lamprey River and Proposed Protective Flow Measures for Flow Dependent Resources to DES November 21, 2006.

The Lamprey field mapping and data collections under Task 5 were substantially completed by fall allowing data processing and analysis to be conducted during the winter. A new sub-task was added to the Lamprey field investigations (SOW Task 5B – Remote sensing of wetlands) March 8, 2007. This task added a remote sensing evaluation of wetlands conditions on the Designated River at four different flows. This method is being tested here and compared to traditional field survey methods. If the new method works well in the Pilot program, it could be used very effectively on studies of longer rivers with great reductions in cost.

The Lamprey Task 4 report was finalized and posted to the website. This report describes the protected entities specifically identified in the Lamprey watershed and the assessment methods that will be used to determine their water needs.

Addition of Task 5B to the Lamprey Pilot was approved March 8, 2007. Task 5B adds implementation and assessment of a remote sensing method to replace field transect methods, which would allow long river reaches to be measured in one day under the same flow conditions. The method would be less labor intensive and be conducted under more consistent conditions. The task will include an assessment of the current field transect methods compared to the test method.

2. Expenditures

Expenditures under the grant are for two cost areas: 1) \$340,000 for the Lamprey River Instream Flow consultant contract, and 2) \$200,000 for Department technical and administrative staff, overhead, equipment, travel, supplies, and direct or other costs to support the NH Instream Flow program. Costs are not scheduled—

consultant fees are for completed Scope of Work tasks only and Department staff charges time and expenses for activities supporting the NH Instream Flow Program.

Expenditures during this period summed to \$39,021.70 representing \$9,800 for completed Lamprey SOW Task4, billed January 18, 2007 by NAI, and \$21,559.85 representing staff costs, direct and indirect costs, meeting expenses, postage, registration and out-of-state travel for training, and fleet vehicle costs.

DES will be requesting approval for revision of funding from within the state contractual and supplies classes to be put into personnel and benefits classes. Additional contractual encumbrances are not anticipated and anticipated supply costs are less than available. These funds will extend the duration of grant support for DES administration for the program.

Signature

Date

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